REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

Claim 28 has been amended to incorporate the language of claim 44. Claims 45 and 46 have been amended to now become dependent on claim 28. The remaining amendments are to correct typographical errors and/or to further define what applicants regard are their invention. In addition, the new claims are fully supported by the present application, including the claims as originally filed and page 6, lines 5-13 which describe that the values for y can include 1.1, 1.0, and 0.7. Further, the range for capacitance is set forth at page 7, lines 17 and 18, which recites a range of from about 20,000 CV/g to about 300,000 CV/g. In addition, the discussion regarding DC leakage and the DC leakage range can be found at page 8, lines 12-15, and the test conditions for determining capacitance can be found, for instance, at pages 15 and 16 of the present application. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

At page 2 of the Office Action, the Examiner rejects claims 28-32 under 35 U.S.C. § 102(b) as being anticipated by Clarke (U.S. Patent No. 5,173,215). The Examiner asserts that Clark shows conductive titanium suboxide particulates that meet the limitation of "oxygen-reduced valve metal oxide" as recited in claim 27 and the Examiner further asserts that an average particle size of 5 microns is shown at column 7, lines 4-40 of Clarke. The Examiner further asserts that particle sizes of about 1 micron or larger in diameter and a surface area of 1.0 m^2/g or greater are set forth at column 9, lines 22-27 of Clarke. For the following reasons, this rejection is respectfully traversed.

Claim 28 recites an oxygen-reduced valve metal oxide particle having an average primary particle size of from 1 micron to 10.5 microns and having a flow of 270 mg/s or less. Clarke does not teach or suggest any flow properties or ways to have satisfactory properties. The present

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application, for instance by coating or agglomerating the particles, shows that one can improve the degree of flow properties which is beneficial for capacitor anode formation. There is no teaching or suggestion in Clarke that would show that similar flow properties can be expected from the material of Clarke. Accordingly, for these reasons, this rejection should be withdrawn.

At page 3 of the Office Action, the Examiner rejects claims 28-37, 44-46, and 56-85 under 35 U.S.C. § 103(a) as being unpatentable over Fife (U.S. Patent No. 6,391,275). The Examiner asserts that Fife discloses an oxygen-reduced niobium oxide having a microporous surface and a primary particle size of 1 micron or less and relies upon col. 3, line 66 to col. 4, line 4 of Fife. The Examiner further asserts that Fife discloses the limitations of claims 29-37 at col. 4, lines 7-48. The Examiner further asserts that since there are similar properties between Fife and the claim invention, the powder of Fife would be expected to have the same flow properties as the flow properties of claims 44-46 of the present application. For the following reasons, this rejection is respectfully traversed.

First, the present application is a continuation of U.S. Patent Application No. 10/012,187, filed November 6, 2001. U.S. Patent No. 6,391,275 is prior art only under 35 U.S.C. §102(e)/103. Since Fife and the present application are assigned to the same assignee, §103(c) applies. As can seen from the attached assignments, since the '275 patent to Fife is prior art only under 35 U.S.C. § 102(e), and since the subject matter of Fife and the claimed invention were, at the time the present invention was made, owned by the same person, namely Cabot Corporation, 35 U.S.C. § 103(c) applies and this rejection should be withdrawn. However, the applicants do wish to bring to the Examiner attention International Published Application No. WO 00/15555 and 00/15556.

With respect to claim 28, this claim has been amended to recite a flow of 270 mg/s or less. The applicants respectfully disagree with the Examiner's comments that the flow properties would

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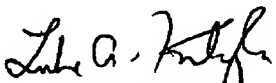
naturally be present in the powder of Fife. Unlike Fife, the present invention shows means to improve flow properties such as by coating or agglomerating the particles, and this is not taught or suggested in Fife. Accordingly, the applicants believe that it would not be a fair assumption on the part of the Examiner, absent a specific teaching or suggestion in Fife, to render this conclusion. Accordingly, the applicants believe that for these reasons, even if the Examiner relies on the PCT counterpart of Fife, this rejection should be withdrawn.

CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No. 00138CIPCON (3600-360-01)
KILYK & BOWERSOX, P.L.L.C.
53 A East Lee Street
Warrenton, VA 20186
Tel.: (540) 428-1701
Fax: (540) 428-1720
Enclosures: Assignment Recordation Cover Sheets (5 pages)

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